

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
January 3, 2002**

The Board of Supervisors of Maricopa County, Arizona, convened in Formal Session at 9:00 a.m., January 3, 2002, in the Board of Supervisors' Auditorium, 205 West Jefferson, Phoenix, Arizona, with the following members present: Don Stapley, Chairman; Fulton Brock, Vice Chairman; Andy Kunasek, Jan Brewer; Mary Rose Wilcox (entered late); Fran McCarroll, Clerk of the Board; and Shirley Million, Administrative Coordinator. Also present: David Smith, County Administrative Officer; and Paul Golab, Deputy County Attorney. Votes of the Members will be recorded as follows: (aye-no-absent-abstain)

INVOCATION

Betty Colwell, Clerk of the Board's Office, delivered the invocation.

PLEDGE OF ALLEGIANCE

Mike Ellegood, Chief Engineer and General Manager of the Flood Control District, led the assemblage in the Pledge of Allegiance.

PUBLIC HEARING - PARKS AND RECREATION

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Brewer, seconded by Supervisor Brock, and unanimously carried on a roll call vote (5-0), with Supervisors Brock, Stapley, Kunasek, Brewer and Wilcox voting "aye," to accept the recommendation of the Parks and Recreation Commission and the appraisal offer of \$234,483 for right-of-way acquisition, non-vehicular access easement and temporary construction easement, and to authorize the signing of the associated documents required for this transaction by the City of Phoenix. The property being affected is Parks and Recreation Department property, and the funds received will be deposited in the Parks Enhancement Fund. (Requires unanimous approval of the board pursuant to A.R.S. §11-251(9).) (This hearing continued from meeting of December 19, 2001.) (C3002020M) (C3002019M) (ADM3200)

BINGO LICENSE APPLICATION

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Kunasek, seconded by Supervisor Brewer, and unanimously carried (4-0-1) to approve the application filed by Ron Jerich for a Bingo License: (ADM657)

Business Name: Kiwanis Club of Golden K
New River Community Service Foundation
Location: 48606 North 17th Avenue, New River

FIREWORKS DISPLAY APPLICATION - CONTINUED

Application filed by Robert Bland for a Fireworks Display Permit: (ADM665-31)

Business Name: Phoenix Country Club
Location: 2901 North 7th Street, Phoenix
Date: Friday, February 1, 2002

Motion was made by Supervisor Brewer, seconded by Supervisor Brock, and unanimously carried (4-0-1) to continue this item to the January 16, 2002, meeting since the report from the Fire Marshall has not been received.

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
January 3, 2002**

LIQUOR LICENSE APPLICATIONS

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Brewer and seconded by Supervisor Kunasek to recommend approval of the following liquor license applications:

- a) Application filed by Rose Ravenna for an Original, Series 12 Liquor License: (LL6044) (F22993)

Business Name: Rosie's Italian Café
Location: 13930 Camino Del Sol, Sun City West

- b) Application filed by Randy D. Nations, for an Original, Series 12 Liquor License: (LL6043) (F22992)

Business Name: Pinata Nueva
Location: 3655 West Anthem Way, D-105, Anthem

- c) Application filed by Emmett J. FitzPatrick for a Special Event Liquor License: (F22997)

Business Name: St. Steven's Catholic Church
Location: 24827 South Dobson Road, Sun Lakes
Dates and Times: Tuesday, February 12, 2002; 5:00 p.m. – 12:00 midnight
Friday, April 19, 2002, 5:00 p.m. – 12:00 midnight

Motion was carried by a majority vote (3-1-1) with Supervisors Stapley, Brewer and Kunasek voting "aye" and Supervisor Brock voting "no". Supervisor Wilcox was not present for the vote.

ROAD DECLARED (ROAD FILE NO. A047-R2)

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) that the following resolution be adopted: (C64021295) (F22789)

WHEREAS, pursuant to A.R.S. §18-201 through 18-203, on the 5th day of December, 2001, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

A roadway of a width of 45 feet, together with all appurtenances and easements of record, said roadway lies within the West half of the Southwest quarter of the Northeast quarter (W2 SW4 NE4) of Section Twenty-two (22), Township One (1) North, Range Seven (7) East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona and is described as follows:

The North 45 feet of the West half of the Southwest quarter of the Northeast quarter (W2 SW4 NE4) of said Section 22.

Easements and portions of easements of record lying within this roadway are recorded in: Docket 4817, Page 426 and Docket 6068, Page 198.

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
January 3, 2002**

(Said roadway also known as Boise Street from 96th Street to 96th Way in Supervisor District 1 and in an unincorporated area.)

WHEREAS, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in The Record Reporter; and

WHEREAS, no objections to the establishment, opening and declaration of said highway have been filed; and

WHEREAS, the Board believes that the granting of said petition and the establishment, opening and declaration of the highway as prayed for in said petition, are for the best interests of Maricopa County, and said highway is a public necessity;

NOW, THEREFORE, BE IT RESOLVED that there is hereby established, opened and declared a county highway, more fully set forth hereinabove, and the County Engineer is hereby directed to make a plat of the survey of said highway and cause the same to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

BE IT FURTHER RESOLVED that the Board accept any right-of-way or property donated to the State or County for said highway. The Board hereby accepts all U. S. Patent easement reservations, right-of-way or properties along this alignment into the Department of Transportation's Highway system.

BE IT FURTHER RESOLVED that the County Engineer be directed and authorized, and he is hereby so directed and authorized, to negotiate with owners of parcels of private property required for the right-of-way of said public highway with the view of obtaining for Maricopa County said private property, subject to the ratification and approval of this Board.

BE IT FURTHER RESOLVED that the County Attorney be directed and authorized, and he is hereby directed and authorized, to initiate and prosecute actions and proceedings in the manner required by law to condemn all property required for right-of-way which cannot be obtained by donation or purchase.

DATED this 3rd day of January 2002.

WAIVER TO COMPENSATION PLAN, SECTION VII.A

Motion was made by Supervisor Brewer, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve a waiver to the Maricopa County Compensation Plan, Section VII.A. of the Maricopa County Human Resources Compensation Plan in which the effective date of salary advancements may not precede their submission date to Human Resources. Clerical procedural errors caused the delayed submission of the established 5% end of initial probation salary advancement and market adjustment, for the following, effective November 12, 2001: (C19020298) (ADM3308)

- Catherine Barnes; old rate \$9.41, new rate \$9.91, financial impact \$80;
- Aurelia Chee; old rate \$9.14; new rate \$9.91, financial impact \$123.20.

DEPARTMENT OF TREASURY GRANT FOR GANG RESISTANCE EDUCATION AND TRAINING PROGRAM: ADD TWO VEHICLES TO SHERIFF'S OFFICE FLEET

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
January 3, 2002**

Motion was made by Supervisor Brewer, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve application and acceptance of up to \$127,000 in grant funding from the Department of Treasury, Bureau of Alcohol, Tobacco & Firearms, GREAT (Gang Resistance Education and Training) Program to provide funding for a GREAT Officer, purchase of two vehicles and training materials. Approve a fleet increase of two fully equipped vehicles. Also approve an increase in the Sheriff's Office FY 2001-2002 grant revenue and expenditure levels by \$127,000. There is no match requirement for this program. If funding is not available in future years, the position will be abolished and the vehicles will not be replaced once redlined out of service. (C50020223)

WAIVER TO EMPLOYEE LEAVE PLAN V & VI

Motion was made by Supervisor Brewer, seconded by Supervisor Brock, and unanimously carried (4-0-1) to motion was made by Supervisor Brewer, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve a waiver to the Maricopa County Employee Leave Plan V & VI for Detention Officer Carol Naslund (formerly Carol Kotzin) who suffered serious injuries as a result of an attack by an inmate while working in the Madison Street Jail. Authorize payment of normal base salary and benefits to the employee for a period of 34 days, beginning November 15, 2001, and ending December 18, 2001. The Sheriff's Office will absorb any costs associated with this action. (C5002045M) (ADM3320)

SHERIFF'S OFFICE PARTICIPATION IN THE ALCOHOL, TOBACCO AND FIREARMS ACCELERANT DETECTION CANINE PROGRAM AND ADD ONE VEHICLE TO THE FLEET

Motion was made by Supervisor Brewer, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve Memorandum of Agreement (MOA) between the Maricopa County Sheriff's Office and the Bureau of Alcohol, Tobacco and Firearms (ATF). The MOA would allow the Sheriff's Office to participate in the ATF's Accelerant Detection Canine Program (ADCP). The ATF will provide the canine for this program. ATF will pay for initial training and reimburse the Deputy or Sheriff's Office for meals at the current government per diem rate. All in-service training and annual re-certification costs will be the responsibility of the Sheriff's Office. One Deputy salary, training and all canine-related expenses will come from Sheriff's Office budgeted funds. Approve addition to the Sheriff's Office fleet of one canine-equipped vehicle paid for with RICO funds. Estimated cost for this vehicle is \$36,000 and maintenance and fuel costs are estimated at \$5,000. (C5002046M)

DONATION OF BALLISTIC VESTS

Motion was made by Supervisor Brewer, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the acceptance of 200 ballistic vests valued at \$150 each for a total donation value of \$30,000, donated by The Reserve Police Officers Association. The Reserve Police Officer Association (RPOA) is a non-profit national corporation that distributes the vests to volunteer law enforcement personnel. Volunteers of the Sheriff's Office reserve and posse will use these vests. (C5002047M) (ADM3900)

LIMITED SERVICE LEASE WITH EJM KYRENE LLC

Motion was made by Supervisor Brewer, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve and execute limited service Lease No. L7315 with EJM Kyrene LLC, Lessor, for 10,768 square feet of space for the West Tempe Justice Court located at 8250 South Kyrene, Suite 115, Tempe. This lease includes 65 parking spaces. The term of the lease will be May 1, 2002, through April 30, 2012. The annual rental including 2.3% rental tax will be as follows:

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
January 3, 2002**

- Years 1 & 2 \$158,483.16
- Years 3 & 4, \$166,339.80
- Years 5 & 6 \$174,564.72
- Years 7 & 8 \$183,280.68
- Years 9 & 10 \$193,592.52

Maricopa County is responsible for its pro-rata share of operating expenses, janitorial service and utilities estimated at \$75,376 per year (\$7.00 per square foot per year). Maricopa County may terminate this lease after the 5th year of the lease term. In the event of early termination by Maricopa County 1/120th of Lessor's unamortized tenant improvement costs times the number of full months remaining in the lease term and 15% of the base rent remaining in the lease term will be owed Lessor. Maricopa County may cancel this lease at the end of any fiscal year, due to non-appropriation of funds subject to tenant improvement reimbursement. Also approves the allocation of General Government Contingency Funds for the new West Tempe Justice Court facility lease expense and transfer \$38,964 to the Justice Courts FY 2001-2002 budget and increase Justice Courts FY 2002-2003 budget target by \$233,781 to cover the annualized cost of this lease. Also approves the allocation of General Government Contingency Funds for one-time moving and equipment expenses for the new West Tempe Justice Court facility and transfer not-to-exceed \$200,000 (pending OMB review and approval) to the Justice Courts FY 2001-2002 budget. The total cost is estimated at, and not-to-exceed the sum of \$200,000. (C24020044)

CONTRACT WITH CANNON & ASSOCIATES, INC.

Motion was made by Supervisor Brewer, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve and authorize the execution of Contract JE01-12, with Cannon & Associates, Inc., Phoenix, Arizona, in substantially the form attached when approved by County Counsel, in the amount of \$31,219. This contract is to provide the engineering services for a pedestrian bridge over the Roosevelt Irrigation District (RID) canal at the Maricopa County Durango Complex. This bridge will be used by MCSO and Facilities Management to traverse between the north and south sides of the campus. The contract is scheduled to take six-months, to include both design and construction administration. (C40020071)

REJECT CLAIM DEMANDS

Motion was made by Supervisor Brewer, seconded by Supervisor Brock, and unanimously carried (4-0-1) to reject claim demands (November 2001) for emergency medical services from private medical providers to patients who do not meet the requirements of Arizona Revised Statutes or Maricopa County Policies and are, therefore, not the responsibility of Maricopa County pursuant to A.R.S. §11-629 (not a proper charge against the County) and A.R.S §11-622 (claims not having been filed within six-months after the last item of the account accrues). (ARS §11-629 \$7,249,489.72 and ARS §11-622 \$126,435.93) (C39020097) (ADM1804)

**MONTHLY SUMMARY REPORT
NOVEMBER 2001**

Vendor	Amb., Doctors, Hosp. Ars 11-629	Over Six Months Ars 11-622
Abc Anesthesiologists Plc	845.00	0.00
Advanced Cardiac Specialists	833.00	0.00
Advanced Surgical Associates	271.00	0.00
Affiliated Cardiologists	415.00	0.00
Affiliated Neurologists, Ltd	80.00	0.00
Air Evac Services, Inc	45,392.52	0.00
American Physicians Inc.	1,161.65	226.87

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
January 3, 2002**

Amin, Yogesh Md	630.00	0.00
Anatomic Pathology Assoc.	200.00	0.00
Arizona Anesthesia Consultants	630.00	0.00
Arizona Medical Imaging	593.00	0.00
Arizona Nephrology Associates	4,020.00	0.00
Arizona Pulmonary Specialist	1,814.00	0.00
Arizona Pulmonary Specialists	2,077.00	0.00
Arrowhead Community Hospital	8,218.40	10,978.40
Associated Gastroenterologists	110.00	0.00
Associated Radiologists, Ltd	9,626.80	188.00
Avery, Nathan C. Md	19,950.00	0.00
Az Digestive Health & Nutrition	1,415.00	0.00
Az Orthopedic & Fracture Surg.	5,790.00	0.00
Barbour, Stephen D. Md	850.00	0.00
Barnwell, Patrick L. Md	450.00	0.00
Barrow Neurology Clinics	1,851.50	0.00
Bauer, Spomenko	1,272.00	0.00
Beggs, Corey Md	750.00	0.00
Bidwell, Georgetta Md	430.00	0.00
Biltmore Cardiology	4,209.00	0.00
Brown, James J. Md	2,385.00	0.00
Canyon State Ambulance	498.71	0.00
Canyon State Ambulance, Inc	778.66	0.00
Canyon State Anesthesiologists	2,700.00	0.00
Caplan, Joseph A Md	455.00	0.00
Caplan, Joseph A. Md Pc	650.00	0.00
Cardiovascular Consultants Ltd	7,636.00	412.00
Carondelet Holy Cross	4,648.95	0.00
Center For Neurology & Stroke	125.00	0.00
Central Arizona Urologists	875.00	0.00
Chandler Regional Hospital	370,307.86	0.00
City Of Phoenix Ambulance	463.88	0.00
Climaco, Cesar F.	325.00	0.00
Clinica Latina	2,445.00	0.00
Clinical Associates, Ltd	2,835.00	0.00
Clinical Path Pathology	0.00	30.00
Cobre Valley Comm Hospital	308.56	0.00
Conway, Michael J. Md	2,856.00	0.00
Cortesi, Susan Md Pc	150.00	0.00
Crohn, Steven S. Md	1,800.00	0.00
Del E. Webb Memorial Hospital	252,392.39	0.00
Derouin, Gael Do	1,277.00	0.00
Desert Canyon Med. Assoc., Llc	1,495.00	0.00
Desert Ctr. For Allergy & Chest	610.00	0.00
Desert General Surgeons, Ltd.	1,689.00	0.00
Desert Kidney Associates, Plc	470.00	0.00
Desert Mountain Consultants	0.00	600.00
Desert Sam Med Ctr	168,539.89	0.00
Desert Valley Anesthesia, Pllc	130.00	0.00
Detlefs, Corey L. Md	175.00	0.00

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
January 3, 2002**

Detlefs, Corey Md	175.00	0.00
Dreicer, Victor S. Md	5,253.00	0.00
Drewitz, David Md	4,410.00	0.00
East Valley Gastro & Hepato	4,765.00	0.00
Elsner, Heinz J. Md Pc	1,005.00	0.00
England, David D.O.	1,040.00	0.00
Figueroa, Samuel T Md Mph Pc	1,055.00	0.00
Flagstaff Medical Center	55,301.38	0.00
Galhotra, Simran Md	376.27	0.00
Gill, Satpreet Md	56.00	0.00
Gleason, Donna Rnfa	500.00	0.00
Good Samaritan Reg Med Ctr	373,383.50	15,203.05
Good Samaritan Toxicology	200.00	0.00
Gray, Devin	1,915.00	0.00
Gsrmc-Academic Surgical Servi	5,363.00	0.00
Guardian Medical Transport	795.20	0.00
Guidera, Paul Md	70.00	0.00
H&L Medical Specialists	145.00	0.00
Herro Brothers Med. Ltd	0.00	424.00
Holtz, Scott, Md, Pc	1,520.00	0.00
Honan, Vincent J. Md	1,660.00	0.00
Hospital Radiologists, Ltd	7,136.00	0.00
Izenberg, Jeffrey S. Do	1,760.00	0.00
Jenks, Ronald W. Md	1,218.00	0.00
John C Lincoln Deer Valley	66,251.73	0.00
John C. Lincoln Hospital	69,552.61	0.00
Kahlon, Maninder S Md	3,455.00	0.00
Kaufmann, Mark G. Md	1,595.00	0.00
Kidd, William H. Md Pc	0.00	1,265.00
Kistner, Robert L Jr., Md	2,160.00	0.00
Landan, Derek Md Pc	355.00	0.00
Le, Huong Md	1,595.00	0.00
Ledington, John A. Md	4,925.00	0.00
Little Arrow Anesthesia	780.00	0.00
Llubere, Vinicio Md	825.00	0.00
Lodge, Karla Pa	43.00	0.00
Lu, Hung Sheng Md	1,140.00	0.00
Lubin, Michael E. Md	840.00	0.00
Lutheran Heart Hospital	45,218.84	0.00
Maricopa Health Systems	545,292.79	19,382.29
Martin, Leo A. Md	550.00	0.00
Maryvale Emergency Physicians	26,512.30	165.00
Maryvale Hospital Med Ctr	1,141,328.26	4,421.60
Mayo Clinic Arizona	22,952.15	0.00
Mayo Clinic Hospital	14,236.13	0.00
Medical Air Transport, Inc.	9,668.00	0.00
Meeks, Robert Md	330.00	0.00
Meernik, John Md	0.00	110.00
Meline, Daniel A. Md Pc	1,184.00	0.00
Mesa Emergency Sreviced Llc	11,872.00	593.00

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
January 3, 2002**

Mesa Gastrointestinal Assn	2,257.00	0.00
Mesa General Hospital	44,023.15	0.00
Mesa Lutheran Hospital	306,584.62	0.00
Metro Anesthesia Consultants	6,020.00	0.00
Miller, Ian D. Md	370.00	0.00
Mitchell J. Giangobbe, Md	4,316.00	0.00
Neurological Surgeons, Pc	5,244.75	0.00
Neurology Group, Ltd	0.00	450.00
Neville, Richard Md	758.00	0.00
Nextcare	46.00	0.00
North Phoenix Heart Center	6,276.00	0.00
North Phoenix Orthopedic Surg.	2,130.00	0.00
North Valley Anesthesia	975.00	0.00
North Valley Physician Group	2,203.00	0.00
North Valley Surgical Assoc	2,075.00	0.00
Northwest Chest Consultants	498.90	0.00
Northwest Cvt Surgeons	3,028.00	0.00
Northwest Tucson Emergency	1,529.20	0.00
Northwest Valley Health Assoc	324.81	0.00
Oak Creek Imaging	140.00	0.00
Oasis Medical Center Llc	297.96	0.00
Ob & G Professional Ltd	400.00	0.00
Oconnor, Arthur J Iii Md	2,146.00	0.00
Ofori, Michael K. Md	2,522.00	0.00
Ortega, Antonio M. Md	1,900.00	0.00
Orthopaedic Trauma Alliance	9,579.25	826.00
Oscherwitz, Steven L. Md	550.00	0.00
Paradise Valley Hospital	189,862.92	0.00
Paradise Valley Pathology, Plc	60.00	0.00
Paseo Medical Specialists	1,990.00	355.00
Patel, S. Md	475.00	0.00
Patel, U.C. Md	1,020.00	345.00
Pathology Services, Pc	383.00	0.00
Pathology Specialists Az	300.00	0.00
Payson Regional Med Ctr	6,986.76	0.00
Perry, Thomas Md	100.00	0.00
Philcare Pc	615.00	0.00
Phoenix Baptist Hospital	154,291.60	4,144.10
Phoenix Childrens Hospital	87,565.70	0.00
Phoenix Heart Center, Pc	1,512.00	0.00
Phoenix Heart, Pllc	29,052.00	0.00
Phoenix Medical Group Pc	1,659.00	0.00
Phoenix Memorial Hospital	217,062.13	0.00
Physician Trauma Services	35.00	604.00
Physicians Professional Corp	1,700.00	0.00
Plastic Surgeons Of North Az	5,010.55	0.00
Pmh Health Services Network	2,903.87	0.00
Professional Diagnostix	197.00	0.00
Professional Medical Transport	2,350.56	0.00
Progressive Medical Assoc, Pll	3,657.00	2,547.00

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
January 3, 2002**

Pulmonary Associates, Pa	3,203.00	0.00
Ricca, Elizabeth, Rnfa, Bsn	781.25	0.00
Robertson, W. Scott Md	77.91	0.00
Robinson, Leslie B. Md	480.00	0.00
Rocky Mountain Hldgs, Llc	64,631.00	0.00
Rural Metro Corporation	20,948.42	0.00
Schmid, Roger E. Md	530.00	0.00
Schwartz, Douglas J. Md	135.00	0.00
Schwartzstein Md, Robert	3,190.00	0.00
Scottsdale Healthcare Fp	1,545.00	0.00
Scottsdale Healthcare Osborn	856,317.97	31,308.38
Scottsdale Healthcare Shea	20,121.57	0.00
Scottsdale Medical Specialists	660.00	0.00
Scottsdale Pathology Associate	906.00	624.00
Semrad, Sidney E. Do	3,485.00	0.00
Setudehnia, Monaliza Md Pllc	710.00	0.00
Shah, Gautam M. Md	110.00	0.00
Shah, Hetal C. Md	0.00	2,225.00
Shamos, Raymond E. Md	1,320.00	0.00
Sharma, Kulbhushan K. Md	9,445.00	0.00
Silverstein, Glenn Dpm	410.00	0.00
Sitelman, Arthur M.D.	300.00	0.00
Sjh Trauma Billing	69,766.00	740.00
Snyder, Alan R. M.D.	6,042.00	0.00
Soll, David J. Md	1,725.00	0.00
Southwest Ambulance	116,315.32	1,528.34
Southwest Anesthesia Ltd	2,080.00	0.00
Southwest Heart & Lung	0.00	9,503.90
Southwest Neuro-Imaging	0.00	2,686.00
Southwest Surgical Assist	2,059.00	0.00
St Josephs Hosp Arizona	981,702.73	0.00
St Luke's Medical Center	31,789.66	0.00
Staerkel, Robin P. Md	0.00	5,000.00
Sterling Emergency Physicians	0.00	3,377.00
Sun Health Care Center	5,795.45	0.00
Sun Health Corp.	660.00	0.00
Sun Health Physicians	720.76	0.00
Sw Cvt Surgeons	255.00	0.00
Sw Desert Cardiology Pc	955.00	0.00
Team Physicians Az	0.00	276.00
Tempe Emergency Physicians	456.50	0.00
Tempe St. Luke's Hospital	3,090.94	0.00
Terrell, Guy K. Md	475.00	0.00
Thomas, Winston S Md	210.00	0.00
Thunderbird Sam Med Ctr	231,442.90	0.00
Tomeh, Salaheddine Md	1,773.20	0.00
Trauma Physicians Billing	24,663.02	0.00
Uhrik, Otto Md	650.00	0.00
Valley Anesth Consultants Ltd	2,730.00	3,965.00
Valley Lutheran Hospital	125,600.12	0.00

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
January 3, 2002**

Valley Radiologists Ltd.	14,356.20	1,354.00
Velasquez, Manuel R. Md	734.75	0.00
Verde Valley Medical Center	12,949.07	0.00
W.O. Boswell Memorial Hospital	114,748.32	0.00
Wadas, Darrell Md	1,945.00	0.00
Western Pathology Associates	315.00	0.00
Western Radiation Oncology	2,363.00	0.00
Yee, Berne Md	1,870.00	0.00
Yo, T S Md & Associated Pc	289.00	578.00
Grand Total:	7,249,489.72	126,435.93
Restitution	0.00	
Total Denials:	7,375,925.65	

PERSONNEL AGENDA

Motion was made by Supervisor Brewer, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the Personnel Agenda (Judicial Branch and Maricopa County). (List on file in the Clerk of the Board's Office.)

GRANT APPLICATION TO DRUG COURTS PROGRAMS OFFICE

Motion was made by Supervisor Brewer, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve submission of a grant application to the Drug Courts Programs Office (DCPO) for approximately \$425,000 to initiate a Family Drug Court Program. Family Court Administration is currently working with a planning grant from DCPO during FY 2001-2002 to achieve strategic planning goals related to establishment of a Family Drug Court. Organizations who complete the DCPO Planning Grant Initiative are given special consideration for funding. This grant proposal will allow for administrative coordination of the Family Drug Court. Future funding for this project can come from new streams of continuation funding for family drug courts established by the Center for Substance Abuse Treatment through direct and targeted expansion monies. (This is addendum item 1-A which was heard at this time.) (C38020153)

ARIZONA PUBLIC SERVICE AGREEMENT

Item: Approve and execute the Arizona Public Service Company agreement to construct electric distribution facilities and associated trenching agreements for the Lake Pleasant Regional Park "North End Improvement Project" in the amount of \$142,607. Parks and Recreation is constructing a water system and converting composting toilets to flush toilets for the above-referenced project. In conjunction with this project, it is necessary to extend the electrical service by APS to serve the new infrastructure. The cost of the electrical extension is \$108,838 plus the amount of \$43,769 for a non-refundable contribution for a total cost of \$152,607. A design deposit of \$10,000 has been previously paid making the amount now due \$142,607. The funds to pay for this amount will be taken from those given to the Parks and Recreation Department by the Bureau of Reclamation as Lake Pleasant Regional Park replacement monies. (C30020221)

Supervisor Kunasek asked Bill Scalzo, Director of Parks and Recreation, if there was a minimum use penalty for the monthly or annual charges. Mr. Scalzo replied that there would be a \$43,769 non-refundable "contribution" to APS to bring this service into the area. This would be a one-time front-loaded charge over the actual service cost of approximately \$108,000 that is required by APS. Supervisor Kunasek said, "So, we're paying for the construction of the line and also for the expansion?" Mr. Scalzo

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
January 3, 2002**

replied, "This is a cost that they pass on to us, it's not necessarily tied-in at all to the cost of the electrical extension, it's an additional cost because we're in an under-use area."

Supervisor Kunasek said, "Being in that under-use area, is there a minimum number of kilowatts or measure of electricity we are supposed to use or risk incurring any kind of a minimum charge?" Mr. Scalzo answered that the County would pay regular use charges because all of the extra charges will be paid upfront."

Motion was made by Supervisor Brewer, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve and execute the Arizona Public Service Company agreement to construct electric distribution facilities for the Lake Pleasant Regional Park "North End Improvement Project" in the amount of \$142,607.

CALL FOR BIDS AND AWARD – DESERT OUTDOOR CENTER – HVAC MODIFICATIONS

Motion was made by Supervisor Brewer, seconded by Supervisor Brock, and unanimously carried (4-0-1) to adopt plans and specifications, authorize a call for bids for "Desert Outdoor Center – HVAC Modifications", and award a construction contract to the lowest responsible bidder provided that the bid is not more than 10% over the engineer's estimate. Funding for this project is budgeted in the Lake Pleasant Special Revenue Fund and does not involve any general fund dollars. This item is submitted in accordance with Budget Administration Memo No. 7. (C30020351)

APPOINTMENTS TO PARKS AND RECREATION PARK POLICE PUBLIC SAFETY RETIREMENT SYSTEM, LOCAL RETIREMENT BOARD

Motion was made by Supervisor Brewer, seconded by Supervisor Brock, and unanimously carried (4-0-1) to establish the Maricopa County Parks and Recreation Park Police Public Safety Retirement System, Local Retirement Board: Appoint Anne Lynch, Parks Commissioner, to act as the chair; and to approve and appoint Tom Manos, Maricopa County Finance Director and the head of the Merit System, as citizen members of the Maricopa County Parks and Recreation Public Safety Retirement System, Local Retirement Board, in accordance with A.R.S. §38-847. (C30020369) (ADM3247)

ONE STOP SHOP LOGO

Motion was made by Supervisor Brewer, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the Planning and Development Department's One Stop Shop Logo to correspond with the recently adopted County seal. (C44020010) (ADM3427)

FUND TRANSFERS

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve regular and routine fund transfers from the operating funds to clearing funds including payroll, work authorizations, journal entries, allocations, loans, and paid claims. Said claims having been recorded on microfiche retained in the Department of Finance in accordance with the Department of Library Archives and Public Records retention schedule, and incorporated herein by this reference.

INTERGOVERNMENTAL AGREEMENT WITH REGIONAL PUBLIC TRANSPORTATION AUTHORITY

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve an Intergovernmental Agreement (IGA) between Maricopa County and the Regional Public

**FORMAL SESSION
January 3, 2002**

Transportation Authority (RPTA) - Valley Metro - in the amount of \$410,000 for services to the Maricopa County Regional Travel Reduction program. Funding to support these activities is from a grant to Maricopa County from the Maricopa Association of Governments (MAG). These funds are made available to the County under the Federal Transportation Equity Act (TEA 21). The RPTA will carry out project work activities, issue requests for proposals, and hire consultants as required to perform related work activities. This agreement becomes effective upon filing with the County Recorder and remains in effect for the period necessary to complete activities specified in the IGA, such period not-to-exceed September 30, 2002. (C88020262)

INTERGOVERNMENTAL AGREEMENT WITH HIGLEY UNIFIED SCHOOL DISTRICT

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve an Intergovernmental Agreement (IGA) between Higley Unified School District (HUSD) and Maricopa County Human Services Department (MCHSD) to provide food-catering services for Maricopa County Head Start participants. The IGA is a fixed-price agreement not-to-exceed \$2,158. The contractor is required to provide a minimum of 1/3 to 2/3 of the daily-recommended dietary allowances for each enrolled child. The Arizona Department of Education's, Child Adult Care Food Program, School Breakfast Program, National School Lunch Program, and the U. S. Dept. of Health and Human Services provide funding for the IGA. The term of the IGA is from September 7, 2001, through June 30, 2002. This agreement does not include any County General Funds. (C22020332)

NEW LIMITED SERVICE LEASE WITH THE SALVATION ARMY

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve and execute new limited service Lease No. L7312 with The Salvation Army, a California Corporation, Lessor for a Head Start classroom and playground facility located at 241 East 6th Street, Mesa Arizona. The lease term is for five years, commencing upon Board of Supervisors' approval and expiring 60 months thereafter. The annual cost will be \$4,800 as County's share of operating expenses. Head Start will contribute a one-time amount of not-to-exceed \$22,000 to assist in the renovation of classrooms and the playground facility to meet Arizona Department of Health Services day care licensing requirements. This agreement contains a 90-day termination clause and does not include any county general funds. (C22021334)

APPOINTMENTS TO MARICOPA WORKFORCE CONNECTION, INC.

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to appoint the following four individuals to the Maricopa Workforce Connection (MWC), Inc., which serves as the Workforce Investment Board for the balance of Maricopa County, outside the City of Phoenix, as required under the Workforce Investment Act (WIA) of 1998. The appointments are effective upon appointment by the Board of Supervisors through June 30, 2003. The new appointees will be joining 36 other continuing MWC members for a total board size of 40 members. (C2202134M) (ADM2512)

- Dale Volz, Assistant Center Director, Phoenix Job Corps., will replace Larry Deisler, Center Director, the Phoenix Job Corps
- Connie Treloar, Special Projects Coordinator, from Maricopa County Housing Division, will replace Fred Carrington, Public Housing Supervisor, Maricopa County Housing Division
- Jim Ponte, Sales Manager from Harris Printers
- Janet Gray, Executive Director, St. Joseph the Worker

**FORMAL SESSION
January 3, 2002**

AMENDMENT TO INTERGOVERNMENTAL AGREEMENT WITH ARIZONA DEPARTMENT OF ECONOMIC SECURITY

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve Amendment No. 1 to Intergovernmental Agreement No. E4312031 with the Arizona Department of Economic Security to provide supportive intervention and guidance counseling services to high-risk youth. The amendment adds an additional \$4,950 in funding for an increase of 75 home-based counseling units for a new grant total of \$10,494. All other terms and conditions remain unchanged. (C8602027201)

CONTRACT WITH MEDICAL PROFESSIONAL ASSOCIATES OF ARIZONA, P.C., (MedPro)

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve a contract with Medical Professional Associates of Arizona, P.C., ("MedPro") for the provision of professional medical services to the Maricopa County Department of Public Health (MCDPH) and its clientele. The term of the contract is from December 31, 2001, to September 30, 2002, for a not-to-exceed amount of \$294,505. (C86020841)

PURCHASE OF EQUIPMENT

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the purchase of the following equipment:

- a) One Dell Optiplex GX150 small mini-tower Pentium III processor computer at \$1,546.22, to be used by the Department of Public Health's Ryan White CARE Services Quality Management staff. The purchase of this item is funded by the federal Ryan White CARE Act and will not affect the County general fund. (C8602095M) (ADM2150-002)
- b) Two Dell Inspiron 2500 Laptop Computers, at \$2,014.00 each, to be used by the Department of Public Health's Family Planning Clinic. Total expenditure for the two laptops will be \$4,028. The purchase of these items is funded by a State grant and will not affect the County general fund. (C8602096M) (ADM2150-002)
- c) One Dell Latitude C600 Pentium III Processor Laptop Computer (PO No. PG 028-8616508) at \$2,017.38, to be used by the Department of Public Health's Ryan White CARE Services Quality Management staff. The purchase of this item is funded by the federal Ryan White CARE Act and will not affect the County general fund. (C8602098M) (ADM2150-002)

REALLOCATION

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the reallocation of \$45,000 from FY 2001-2002 Major Maintenance Project No. 2001202675 Courts Records Center Infrastructure Improvements to Project No. 2000143600 Emergency Management Building Infrastructure Improvements. (C70020598) (ADM800)

SUPPLEMENTAL AGREEMENT NO. 8 TO SECURITY BUILDING REVENUE LEASE

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve and execute Supplemental Agreement Number 8 (Amendment) to Security Building Revenue Lease No. 004, with The United States of America, Lessee for premises at 234 North Central

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
January 3, 2002**

Avenue, Suites 305 and 330, consisting of 5,607 square feet of office space. This agreement will extend the existing lease term for a five-month period commencing December 1, 2001, and expiring April 30, 2002. Monthly rent for the additional term will be as follows. All other terms and conditions remain the same. By approving this lease, the County will gain unanticipated revenue for space currently leased by the Federal Highway Administration. (C70020604)

- Months 1-3; \$6,059.49, per month
- Month 4; \$7,059.49
- Month 5; \$8,059.49

AGREEMENT WITH CITY OF PHOENIX

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve and authorize the execution of an agreement with the City of Phoenix allowing building canopies per agreement number RP-01014-26, and vehicular and pedestrian access, and landscaping per agreement number RP-01013-13, for the new Clerk of the Superior Court Customer Service Center/Jackson Street Parking Structure. These are Revocable Permits allowing encroachments within the City of Phoenix public right-of-way. There are no costs associated with these agreements. (C70020610)

ADDITIONS TO COUNTY SPACE STANDARDS GUIDELINES

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the addition of two new sections, entitled "County Justice Courts Facility Planning Guidelines" as Section B and "Superior Court Facility Planning Guidelines" as Section C of the County Space Standards Guidelines approved by the Board of Supervisors on August 8, 2001. The Facility Review Committee decision on the Justice Court space standards was not unanimous. Sandi Wilson was not present, and Chris Bradley asked the committee to record his objection to the new Justice Court space standards, since they are too generous. Endorsing these standards will put excessive demands on the Board to fund more space than is truly necessary. (C7002062M) (ADM807)

ADDITIONAL PAYMENT TO PINAL COUNTY - WITHDRAWN

Approve an additional payment of \$115,069 to Pinal County for Maricopa County's portion of disposal cost of burned tires. The disposal cost will be paid from the Solid Waste Funds. (C6701003201)

This item was withdrawn by the department.

EASEMENTS AND RIGHT-OF-WAY DOCUMENTS

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve easements, right-of-way documents, and relocation assistance for highway and public purposes as authorized by road file resolutions or previous Board of Supervisors action. (ADM2007)

A103.002 (AC)	Project No: 69010 - Durango Street (Citrus Road - Goodyear City Limits) - Easement and Agreement for Highway Purposes - Parcel No. 502-43-004E, 004F - Goodyear-Citrus Rd. an Arizona Limited Partnership - for the sum of \$7,753.00.
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A103.002 (AC)	Project No: 69010 - Durango Street (Citrus Road - Goodyear City Limits) - Purchase Agreement and Escrow Instructions - Parcel No. 502-43-004E, 004F - Goodyear-Citrus
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MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
January 3, 2002**

Rd. an Arizona Limited Partnership.

- A104.009
(AC) Project No: 69010 - 177th Avenue (Durango Road - Yuma Road) – Easement and Agreement for Highway Purposes - Parcel No. 502-43-001P – Laurence W. Doppelmayer - for the sum of \$5,790.00.
- A104.009
(AC) Project No: 69010 - 177th Avenue (Durango Road - Yuma Road) – Agreement for Right of Entry - Parcel No. 502-43-001P - Laurence W. Doppelmayer - for the sum of \$100.00.
- A104.009
(AC) Project No: 69010 - 177th Avenue (Durango Road - Yuma Road) - Purchase Agreement and Escrow Instructions - Parcel No. 502-43-001P – Laurence W. Doppelmayer.
- A115.009
(AC) Project No: 69010 - Telegram Path Road (Airport Road – Tuthill Road) - Easement and Agreement for Highway Purposes - Parcel No. 400-52-0928 - Cynthia A. Bryan, as Personal Representative of the Estate of Mary C. Abbott -for the sum of \$1,930.00.
- A115.009
(AC) Project No: 69010 - Telegram Path road (Airport Road – Tuthill Road) - Purchase Agreement and Escrow Instructions - Parcel No. 400-52-0928 - Cynthia A. Bryan, as Personal Representative of the Estate of Mary C. Abbott.
- A139.001
(AC) Project No: 69010 - 12th Street (Cloud Road -Joy Ranch Road) - Easement and Agreement for Highway Purposes - Parcel No. 211-68-055M - James W. Naecker and Sharon A. Naecker - for the sum of \$8,838.00.
- A139.001
(AC) Project No: 69010 - 12th Street (Cloud Road -Joy Ranch Road) - Purchase Agreement and Escrow Instructions - Parcel No. 211-68-055M - James W. Naecker and Sharon A. Naecker.
- A139.008
(AC) Project No: 69010 - 12th Street (Cloud Road - Joy Ranch Road) - Easement and Agreement for Highway Purposes - Parcel No. 211-68-044A - Curtis Ray Black and Barbara Non Earl Black - for the sum of \$8,583.00.
- A139.008
(AC) Project No: 69010 - 12th Street (Cloud Road - Joy Ranch Road) - Purchase Agreement and Escrow Instructions - Parcel No. 211-68-044A - Curtis Ray Black and Barbara Non Earl Black.
- A161.030
(AC) Project No: 69010 – 77th Place (McKellips Road - Hermosa Vista Drive) - Easement and Agreement for Highway Purposes - Parcel No. 219-26-113D - Vera L. Christian and Robert J. Desruisseau - for the sum of \$5,265.00.
- A161.030
(AC) Project No: 69010 – 77th Place (McKellips Road - Hermosa Vista Drive) - Purchase Agreement and Escrow Instructions - Parcel No. 219-26-113D - Vera L. Christian and Robert J. Desruisseau.
- X-0909 & 0926 Project No: 68960 - M.C. 85 (Cotton Lane to Estrella Parkway) - Right of Entry - Parcel No. 500-84-010, 502-49-012B, 013A, and 013B - Lakin Cattle Company - for the sum of \$100.00.

TRAFFIC CONTROLS

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
January 3, 2002**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the following traffic controls: (F22999)

A PERMANENT ROAD CLOSURE on 92nd Street (Ellsworth Frontage Road) at Coralbell Avenue. (Supervisory District No. 2) (C64021335)

A 45 MPH SPEED LIMIT ZONE (from a 50 MPH Speed Limit Zone) on Northern Avenue from State Route Loop 101 to 71st Avenue. (Supervisory District No. 4) (C64021345)

All traffic to stop before entering or crossing a THROUGH STREET within the prescribed limits of Culver Street from 100 feet east of 193rd Avenue to 100 feet west of Perryville Road. Also, approve a one-way stop for westbound traffic on Culver Street at 193rd Avenue. (Supervisory District No. 4) (C64021355)

All traffic to stop before entering or crossing a THROUGH STREET within the prescribed limits of 191st Avenue from 100 feet north of Van Buren Street to 100 feet south of Culver Street. Also, approve a one-way stop for southbound traffic on 191st Avenue at Van Buren Street. (Supervisory District No. 4) (C64021365)

All traffic to stop before entering or crossing a THROUGH STREET within the prescribed limits of 189th Avenue from 100 feet north of Roosevelt Street to 100 feet south of Culver Street. (Supervisory District No. 4) (C64021375)

All traffic to stop before entering or crossing a THROUGH STREET within the prescribed limits of San Miguel Avenue from 100 feet east of Dysart Road to 100 feet west of 127th Avenue. (Supervisory District No. 4) (C64021395)

A ONE-WAY STOP on 68th Drive at Acoma Drive for northbound traffic. (Supervisory District No. 4) (C64021405)

All traffic to stop before entering or crossing a THROUGH STREET within the prescribed limits of Mingus Road from 100 feet east of 27th Avenue to 100 feet west of 23rd Avenue. (Supervisory District No. 3) (C64021415)

All traffic to stop before entering or crossing a THROUGH STREET within the prescribed limits of 23rd Avenue from 100 feet north of New River Road to 100 feet south of Mingus Road. (Supervisory District No. 3) (C64021425)

All traffic to stop before or crossing a THROUGH STREET within the prescribed limits of Cavalry Road from 100 feet east of 16th Street to 100 feet east of 24th Street. (Supervisory District No. 3) (C64021435)

CALL FOR BIDS AND AWARD – SLURRY SEAL PROJECT, SPRING 2002

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the solicitation of bids for the Maricopa County Department of Transportation's Slurry Seal Project, Spring 2002, Work Order Numbers: 30270504 and 30460506; and approve the award of a contract to the lowest responsive bidder, providing the lowest responsive bid, and does not exceed the engineer's estimate by more than 10%. (C64021315)

**FORMAL SESSION
January 3, 2002**

RESOLUTION SUPPORTING GILBERT ROAD PROJECT PARTNERSHIP

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to adopt Resolution No. MCDOT 02-12, supporting the Gilbert Road Project Partnership, from McDowell Road north to State Route 87, and McDowell Road west to Horne Road. (C6402152M)

RESOLUTION

SUPPORTING THE GILBERT ROAD PROJECT PARTNERSHIP
Gilbert Road north from McDowell to State Route 87
McDowell Road west from Gilbert to Mesa Drive

WHEREAS, the Maricopa County Board of Supervisors is committed to the improvements of regional transportation, and

WHEREAS, the Maricopa County Board of Supervisors promotes transportation coordination and partnerships between Maricopa County and the cities and towns within:

NOW, THEREFORE, BE IT RESOLVED that the Maricopa County Board of Supervisors hereby:

1. Supports the concept of the Gilbert Road Project, which includes a low-flow crossing and the addition of road lanes, from McDowell Road north to State Route 87, and west on McDowell a two-lane asphalt roadway to Mesa Drive including a screen wall from Gilbert Road to Horne Road.
2. Recognizes and values the Gilbert Road Project Partnership with the Arizona Department of Transportation (ADOT), the City of Mesa, the Salt River Pima-Maricopa Indian Community (SRPMIC) and Maricopa County, created to solve the funding and construction issues associated with the project.
3. Acknowledges and appreciates the potential contributions to the project by the partnership reflected in the following:
 - ADOT: \$400,000 – Cash contribution allocated to the construction of a safety wall on McDowell Road, from Gilbert Road west to Horne Road.
 - Mesa: \$500,000 – Cash contribution with an additional credit of \$2 million to the Gilbert Road project demonstrated by the City's offer to maintain and partner with the County on future road improvements on Power Road from Guadalupe to Elliot Road; and to Val Vista Drive from the South Canal to Thomas Road.
 - SRPMIC: \$2.1 M – For the use of right-of-way on tribal land based on an appraised value of 64.97 acres valued at \$2,122,570 which includes a construction permit authorizing the County to proceed with the implementation of the project.
 - MCDOT: \$8.87 M – Cash contribution towards the construction of the entire project.
4. Commends the partnership in their efforts to secure federal-aid funding in the amount of \$1.6 million for the completion of the combined Gilbert Road Project, further directing staff to

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
January 3, 2002**

continue to pursue federal or outside funding sources that will bring the project to construction, and

BE IT FURTHER RESOLVED that the Director of Maricopa County Transportation Department is authorized to negotiate an Intergovernmental Agreement including the terms set forth herein and forward to the Board of Supervisors for approval.

DATED this 3rd day of January 2002.

/s/ Don Stapley, Chairman of the Board

ATTEST:

/s/Fran McCarroll, Clerk of the Board

MARICOPA INTEGRATED HEALTH SYSTEMS PERSONNEL AGENDA

Motion was made by Supervisor Brock, seconded by Supervisor Brewer, and unanimously carried (4-0-1) to approve Maricopa Integrated Health Systems Personnel Agenda. (List on file in the Clerk of the Board's Office.)

AMENDMENT TO CONTRACT WITH AREA AGENCY ON AGING – REGION ONE

Motion was made by Supervisor Brock, seconded by Supervisor Brewer, and unanimously carried (4-0-1) to approve Amendment No. 2 to the Adult Day Health Care contract between Area Agency on Aging – Region One and Maricopa Integrated Health System-Health Plans (MIHS-HP). This amendment updates contract language, increases the hourly rates for Adult Day Health Care and Traumatic Brain Injured Adult Day Health Care Services, increases the contract not-to-exceed amount by \$4,500,000 from \$4,189,000 to \$8,689,000 and extends the term of the contract from February 28, 2002, to February 28, 2003, for an aggregate term of March 1, 2000, through February 28, 2003. Either party may terminate this contract with 90-days written notice to the other party. (C6000229102)

CONTRACT WITH MESA CHRISTIAN MANOR LLC dba MESA CHRISTIAN CARE CENTER

Motion was made by Supervisor Brock, seconded by Supervisor Brewer, and unanimously carried (4-0-1) to approve a new contract with Mesa Christian Manor LLC dba Mesa Christian Care Center to provide nursing facility services to members of MIHS-HP, effective December 1, 2001, through September 30, 2002. Mesa Christian Care Center was formerly part of the Ballantrae Healthcare LLC contract C60011131, approved by the Board of Supervisors on October 18, 2000, and was sold to an independent owner, effective May 1, 2001. Mesa Care Center has agreed to accept the same terms and conditions, as those in the amended Ballantrae contract. There is no change to the total allocation for nursing facilities for the third contract year (October 1, 2001 – September 30, 2002) of \$469,084,277, approved by the Board of Supervisors on October 17, 2001, under C60020171. (C60020381)

CONTRACT WITH WESTVIEW MANOR

Motion was made by Supervisor Brock, seconded by Supervisor Brewer, and unanimously carried (4-0-1) to approve a new contract with Westview Manor to provide nursing facility services to members of MIHS-HP, effective December 1, 2001, through September 30, 2002. Westview Manor was formerly part of the Ballantrae Healthcare LLC contract C60011131, approved by the Board of Supervisors on October 18, 2000, and was sold to an independent owner, effective May 1, 2001. Westview Manor has agreed to accept the same terms and conditions, as those in the amended Ballantrae contract. There is no change to the total allocation for nursing facilities for the third contract year (October 1, 2001 – September 30,

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
January 3, 2002**

2002) of \$469,084,277, approved by the Board of Supervisors on October 17, 2001, under C60020171. (C60020391)

DELEGATION AGREEMENT WITH ARIZONA DEPARTMENT OF HEALTH SERVICES

Motion was made by Supervisor Brock, seconded by Supervisor Brewer, and unanimously carried (4-0-1) to approve a new Delegation Agreement with Arizona Department of Health Services (ADHS) pursuant to A.R.S. §36-410 and 41-1081 et seq, for the certification of Adult Foster Care Homes effective July 1, 2000, through June 30, 2005. This agreement is renewable every five years pursuant to a written contract amendment, signed by both parties. No funds are exchanged in this agreement. (C60020750)

RE-APPOINT ZANE LAMASCUS TO THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE

Motion was made by Supervisor Brewer, seconded by Supervisor Brock, and unanimously carried (4-0-1) to re-appoint Zane Lamascus to the Community Development Advisory Committee, representing District 2. The term of the appointment will be from December 19, 2001, through June 30, 2002. (C02020077) (ADM1502)

RESIGNATION AND APPOINTMENT

Motion was made by Supervisor Brewer, seconded by Supervisor Brock, and unanimously carried (4-0-1) to accept the resignation of Steve H. Patience, and appoint Tifton Simmons, Jr., to the Industrial Development Authority Board of Directors, representing District 2. The term of the appointment will be from January 3, 2002, through December 16, 2007. (C02020087) (ADM4500-1)

APPOINT PHIL GOLDSTEIN TO INDUSTRIAL DEVELOPMENT AUTHORITY BOARD

Motion was made by Supervisor Brewer, seconded by Supervisor Brock, and unanimously carried (4-0-1) to appoint Phil Goldstein to the Industrial Development Authority Board of Directors, representing District 3. Mr. Goldstein will fill the vacancy created by the resignation of Charlie Thompson. The term of the appointment will be from January 3, 2002, through December 17, 2007. (C03020097) (ADM4500-1)

APPOINT DAVID WILSON RONALD TO THE INDUSTRIAL DEVELOPMENT AUTHORITY BOARD

Motion was made by Supervisor Brewer, seconded by Supervisor Brock, and unanimously carried (4-0-1) to appoint David Wilson Ronald to the Industrial Development Authority Board of Directors, representing District 4. Mr. Ronald will fill the un-expired term created by the resignation of Alan Maguire. The term of the appointment will be from January 3, 2002, through December 17, 2003. (ADM4500-1)

RE-APPOINT CAROLE HUBBS TO THE PLANNING AND ZONING COMMISSION

Motion was made by Supervisor Brewer, seconded by Supervisor Brock, and unanimously carried (4-0-1) to re-appoint Carole Hubbs to the Planning and Zoning Commission, representing District 4. The term of the appointment will be February 1, 2002, to January 31, 2006. (C04020097) (ADM3408)

HEARINGS SET - PARKS AND RECREATION

Motion was made by Supervisor Brewer, seconded by Supervisor Brock, and unanimously carried (4-0-1) to schedule a public hearing for 9:00 a.m., Wednesday, February 20, 2002, regarding proposed revisions to the Maricopa County Parks and Recreation Department fee schedule. (C30020377) (ADM3210)

FORMAL SESSION
January 3, 2002

PARKS AND RECREATION PROPOSED FEE SCHEDULE
April 1, 2002

Park Entry Fee	Now	New
Mountain Parks and Recreation Areas: (pedestrian, bicycle, horse):	\$3 /motorized vehicle entry	\$5.
Annual Pass	\$1 all other entry	N/A
	\$50	\$75
Lake Pleasant Regional Park (pedestrian, bicycle, horse)	\$5/motorized vehicle entry	N/A
	\$1 all other entry	N/A
Fee for watercraft	\$2 per watercraft	N/A
Annual Pass w/one watercraft	4-Day-\$60 / 7-Day-\$120	\$100/\$160
Each additional watercraft annual fee		\$20/\$40
Annual Pass w/o watercraft	7-day-\$120	N/A
Mtn. & LP Senior Citizen annual pass	\$65 (Maricopa Co. residents, no watercraft)	N/A
Conservation Areas (pedestrian, bicycle, horse)	\$3 per person	N/A
School Bus – all Parks	\$10	N/A
Commercial Bus – all Parks	\$30	N/A
(Coupons may be issued reducing entrance fees for marketing purposes)		

Camping³	Now	New
Family Campground – all Parks		
Developed camp sites	\$15/night	\$18
Semi-developed camp sites	\$8/night	\$10
Primitive camping	\$5/night	N/A
Specific Campground Sites		
Trailhead Group Area – McDowell	\$30 reservation fee	N/A
Group campground – McDowell, Cave Creek		
Utery Horse Staging Area, White Tanks	6 unit min - \$48	N/A
Non-refundable reservation deposit		\$8
Youth camping	\$30 reservation fee	N/A
McDowell, Utery, White Tank, Estrella	\$2/night per person	N/A

Desert Outdoor Center at Lake Pleasant

All Schools		
½ day	\$4/person, minimum 25 people	\$5
1 full day	\$8/person, minimum 25 people	\$10
24 hours	\$18/person, minimum 25 people	\$20
2 days	\$35/person, minimum 25 people	N/A

Non-profit Groups

½ day	\$6/person, minimum 25 people	N/A
1 full day	\$12/person, minimum 25 people	N/A
24 hours	\$27/person, minimum 25 people	N/A

For-profit Groups

½ day	\$8/person, minimum 25 people	N/A
1 full day	\$16/person, minimum 25 people	N/A
24 hours	\$38/person, minimum 25 people	N/A

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

FORMAL SESSION
January 3, 2002

Room-Only Fee Small - \$100; Multi-purpose - \$250
 (All groups must provide their own food and preparation or use a caterer. Kitchen-Use Fee (if applicable)
 is \$100. Non-refundable reservation fee - \$75.)

Group Picnic Ramadas

All Parks

2 tables \$20 reservation fee plus entry

4 tables \$30 reservation fee plus entry

6 tables \$40 reservation fee plus entry

8-10 tables \$60 reservation fee plus entry

12-16 tables \$80 reservation fee plus entry
(4-hour maximum. \$5 additional per ramada, per hour.)

Other Regular Fees

Dump Stations for all registered campers	\$5 per use
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Shooting Range fee for Law Enf. Agencies	\$5 per shooter
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Archery	\$5 per shooter ¹
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Special Interest Activity fee Set by Department

Estrella Ball Fields, reserved fields	\$10/hour/field
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Lights	\$5/hour/field
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Estrella Arena reservation fee	\$50
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Arena lights	\$5/hour
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Amphitheater² \$25 reserve fee

Competitive Tracks ²	\$100 reserve fee
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Special Use Permit Application Fee ²	\$50
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Collection Service Fee	\$5
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¹Vehicle Fee Waived

²Park impact fee determined by event – contact Park

³Entry fee included in camping fee. Camping limited to 14 night stay within 30 day period.

There is no Park entry fee at the following Parks:

San Tan Mountain Regional Park

Buckeye Hills Recreation Area

Adobe Mountain Recreation Area

HEARING SET - PLANNING AND DEVELOPMENT

Motion was made by Supervisor Brewer, seconded by Supervisor Brock, and unanimously carried (4-0-1) to schedule public hearings for 9:00 a.m., Wednesday, February 6, 2002, to change street names of the following. The requests are made by Anthem Arizona LLC, to correct platting errors. (ADM2018)

- i. Katmai Drive to Powell Drive (C44020020)
- ii. Kenai Drive to Plymouth Drive (C44020030)
- iii. Club Point Road to Bridlewood Way (C44020040)

MINUTES

Motion was made by Supervisor Brewer, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve minutes of the Board of Supervisors meeting held December 3 and 5, 2001.

**FORMAL SESSION
January 3, 2002**

PRECINCT COMMITTEEMEN

There were no requests to approve the appointment or removal of precinct committeemen pursuant to A.R.S. 16-231.B. (ADM1701)

SECURED TAX ROLLS

No changes to the tax roll were presented at this time.(ADM705)

OFFICIAL APPOINTMENT AND OATH OF OFFICE- OFFICE OF THE COUNTY RECORDER

Motion was made by Supervisor Brewer, seconded by Supervisor Brock, and unanimously carried (4-0-1) to authorize the Official Appointment and Oath of Office of Selena Gonzalez as special deputy recorder in the Office of the County Recorder.

IMPACT STATEMENT CHANGES IN SUN CITY FIRE DISTRICT

Pursuant to ARS §48-262(A)(2) & (4), motion was made by Supervisor Brewer, seconded by Supervisor Brock, and unanimously carried (4-0-1) to direct changes to the October 16, 2001, Impact Statement submitted by the Sun City Fire District requesting an annexation/boundary change of certain lands located west of Sun City just south of Bell Road generally known as Citrus Point (more fully described in the legal description attached to the impact statement) as follows: (ADM4414)

- i. Amend the estimated valuation in Section B, "Estimate of Assessed Valuation" from \$3,032,150 to \$2,860,550 to conform to the Assessor's Valuation indicated on their December 6, 2001, proposed annexation area report.
- ii. Amend the estimated rate and amount of increase/decrease in Section C, "Change in Tax Rate," to reflect the change in rate based on the adjustment to the new Assessed Valuation figure noted in "a" above.

And direct that the Clerk of the Board of Supervisors:

- i. Determine and fix the required number of qualified elector signatures in accordance with ARS §48-262(A)(8) & (9); and
- ii. After receipt of the petitions required by ARS §48-262(A)(7) & (9), and upon certification of those petitions and signatures by the Maricopa County Recorder and Assessor, if the petitions are in compliance with statutory requirements, issue a notice of the determination of the validity of petitions pursuant to ARS §48-262(A)(11) & (B).

DUPLICATE WARRANTS

Necessary affidavits having been filed, pursuant to A.R.S. §11-632, motion was made by Supervisor Brewer, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve issuing duplicate warrants to replace county warrants and school warrants which were either lost or stolen. (ADM1823) (ADM3809)

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

FORMAL SESSION
January 3, 2002

COUNTY

Name	Warrant	Fund	Amount
B & S Supply Co. Inc.	320514213	Expense Fund	\$2,434.28
James & Mary Logue	320506847	Expense Fund	\$352.98

SCHOOL

Name	School	Warrant	Amount
Mariela K. Bean	Phoenix	42-68895	\$1,301.54
David Garrow	Mesa	72-0018055	\$83.11
Pro Maxima Mfg.	Agua Fria #216	42-0000465	\$3,575.00
The Mesa Tribune	Agua Fria #216	41-0136901	\$203.58

STALE DATED WARRANTS

Motion was made by Supervisor Brewer, seconded by Supervisor Brock, and unanimously carried (4-0-1) to find that claims presented pursuant to A.R.S. §11-644 are legitimate and that claimants have demonstrated good and sufficient reason for failure to present the original check or warrant within the allotted time. Accordingly, the following claims are allowed. (ADM1816)

Westmarc	\$ 100.00	Harriel L. Jones	\$ 723.53
Katheryn Henry	85.00	Lila Newman	85.00
John R. Williams	100.00	Sylvia Segura	464.09
Geoffrey Fish	1,176.61	Buena Vista Ophthalmologists	750.00
Anthony R. Ballew	119.61	Tessa Jones	20.00
Heather Tomazin	885.00	Maria Peredo	254.00
Mary Anne Boyden	100.00	Liberty School District #25	60.00
Paul A. Smith	1,055.71	Jess J. Bruton	119.95
Jan Dooley	27.69	Monica J. May	7,380.26
Beth Garrone	665.05	Janele Clegg	149.46
Transamerica	212.43	Patti Madden	585.44
Leslie Arai	599.50	Rose Sarah Sabatini	85.00
Debra C. Eaton	75.00		

REDEMPTION OF WAIVERS

Pursuant to A.R.S. §42-11153B, motion was made by Supervisor Brewer, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve redemption of waivers for individuals and organizations requesting exemptions for the 2001 tax year. The list is on file in the Office of the Clerk of the Board of Supervisors and retained in accordance with the Department of Library, Archives, and Public Records retention schedule. (ADM721)

SETTLEMENT OF TAX CASES

Motion was made by Supervisor Brewer, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the settlement of tax cases as follows, list dated January 3, 2002. (ADM704)

2000
TX 99-00490

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
January 3, 2002**

2001
2001/2002
TX 00-00163
2002

HEARING SET - PLANNING AND ZONING CASES

Motion was made by Supervisor Brewer, seconded by Supervisor Brock, and unanimously carried (4-0-1) to schedule public hearings on the following zoning case for January 16, 2002, at 9:00 a.m.

Z2002-163.

CLASSIFICATION CHANGES

Pursuant to A. R. S. §42-12054, motion was made by Supervisor Brewer, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the Assessor's recommended classification changes and/or reduce the valuation of certain properties which are now owner occupied. (ADM723)

PARCEL NUMBER	YEAR	OWNER	CLASS FROM	CLASS TO
110-30-011	2001	Brent G Crosby	LC/4	LC/3
110-30-011	2000	Brent G Crosby	LC/4	LC/3
110-30-011	1999	Brent G Crosby	LC/6	LC/5
117-27-074	2001	Scott, James	LC/4	LC/3
117-27-074	2000	Scott, James	LC/4	LC/3
117-27-074	1999	Scott, James	LC/6	LC/5
118-52-028A	2001	Pittman Liv Tr	LC/3	LC/6
162-19-174	2001	Bennett, Greg	LC/3	LC/6
162-19-177	2001	Bennett, Greg	LC/3	LC/6
301-52-910	2001	Brian Luscher	LC/4	LC/3

COMPROMISES

Motion was made by Supervisor Brewer, seconded by Supervisor Brock, and unanimously carried (4-0-1) to accept the requested compromises as payment in full for the following cases: (Discussed in Executive Session held December 17, 2001.) (ADM407)

Enrique Gonzales	\$1,600.00
Laura Harris	1,800.00
Abraham Innabi	10,500.00
David Marshall	20,000.00
Jacqueline Marshall	16,500.00
Cameron Queen	2,000.00

WRITE-OFFS

Motion was made by Supervisor Brewer, seconded by Supervisor Brock, and unanimously carried (4-0-1) to accept the requested write-off as payment in full for the following case: (Discussed in Executive Session held December 17, 2001.) (ADM407)

Ken Green	\$10,934.51
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MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
January 3, 2002**

Maria Pacheco	16,288.75
Barbara Remillong	12,589.40
Leona Sexton	25,718.73
John Singleton	16,219.55

WRITE-OFF

Motion was made by Supervisor Brewer, seconded by Supervisor Brock, and unanimously carried (4-0-1) to accept the requested write-offs of ALTC patients as payment in full. (List on file in the Office of the Clerk of the Board of Supervisors.) (Discussed in Executive Session held December 17, 2001.) (ADM407)

PUBLIC COMMENT

No member of the public came forward to comment at this time. (ADM605)

SUPERVISORS' COMMENTS

Supervisor Brock said that he would like to commend the Library District's revision of their Internet Acceptable Public Use Policy and in particular the policy governing restrictions on Internet Access by children and teenagers to keep them from gaining access to material that might be harmful or pornographic. He felt that it was an appropriate thing for them to do.

Supervisor Kunasek said that Don Cassano, who had served with him on the Board of Health, and who still serves on that Board, was in the audience and he would like to recognize him at this time, having failed to see him earlier. Both he and Chairman Stapley thanked Mr. Cassano for his public service. (ADM606)

PLANNING AND ZONING

David Smith and Paul Golab left the dais at the end of the regular portion of the Board meeting. Members, as given above, remained in session. (except for Supervisor Wilcox who left the meeting <if won't return>, or left the meeting room <if temporarily>). Joy Rich, Director of Planning and Development, Darren Gerard, Chief Planner, and David Benton, County Counsel for Planning, came forward to present the following Planning and Zoning cases.

CONSENT AGENDA DETAIL:

- | | | |
|-----------|-------------------|---|
| 1. | Z2001-107 | District 4 |
| | Applicant: | Matt Lamont of Smith Group Inc., for Qwest Communications |
| | Location: | 2522 N. Perryville Road - southwest corner of Perryville Road and Thomas Avenue (in the Buckeye/Goodyear area) |
| | Request: | Special Use Permit for a telecommunication switching facility in the Rural-43 zoning district and the West Side Military Airbase District 4 Overlay Zone - for White Tanks RSS Qwest Communication Site (0.998 acres) |

COMMISSION ACTION: Commissioner Clayburg moved to recommend approval of Z2001-107, subject to the following stipulations "a" through "j". Commissioner DiCiccio seconded the motion, which passed with a unanimous vote of 10-0.

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
January 3, 2002**

- a. Development and use of the site shall comply with the site plan entitled "Architectural Site Plan Request for Special Use Permit". Consisting of one full-size sheet, dated revised September 24, 2001, and stamped received October 1, 2001, except as modified by the following stipulations.
- b. Development and use of the site shall comply with the Building Elevations entitled "Building Elevations" consisting of two full-size sheets, dated revised September 14, 2001 and stamped received October 1, 2001, except as modified by the following stipulations.
- c. Development and use of the site shall comply with the narrative report entitled "Special Use Permit Application White Tanks Switch Facility Addition/QWEST" consisting of three pages, dated August 7, 2001, and stamped received August 8, 2001, except as modified by the following stipulations.
- d. Major changes to this Special Use Permit shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.
- e. Non-compliance with the plan of development (the site plan and narrative report) or the conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.
- f. Dedication of a total half-width of 65' right-of-way on Perryville Road shall be made prior to zoning clearance.
- g. Prior to zoning clearance, the applicant shall post financial assurance (bond) for ultimate improvements on Perryville Road, at the discretion of MCDOT.
- h. Driveway within the County right-of-way will be limited to a 40-foot maximum width, and shall be paved or surfaced at the discretion of MCDOT.
- i. Landscaping will be provided along the north, south, and eastern boundary of the property. At least three trees will be provided on each of these three sides of the facility. The trees will be of such size to sufficiently soften the appearance of the base of the facility.
- j. This Special Use Permit shall expire 20 years from the date of approval by the Board of Supervisors, upon expiration of the lease to the applicant(s), or upon termination of the use, whichever occurs first. All of the site improvements shall be removed within 60 days of such termination or expiration. Any request for an extension shall be made at least six months prior to the expiration date.

Motion was made by Supervisor Brewer, seconded by Supervisor Wilcox, and unanimously carried (5-0) to concur with the recommendation of the Planning Commission for approval subject to stipulations "a" through "j."

- 2. Z2001-109 District 4 (This case continued from meeting of December 5, 2001.)**
Applicant: People of Faith, Inc.

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
January 3, 2002**

Location: Northwest of the northwest corner of 99th Avenue and Grand Avenue (in the Sun City area)
Request: For an assisted living center in the R-5 S.C. zoning district for Royal Oaks Lifecare Facility (1.92 acres)

COMMISSION ACTION: Commissioner Clayburg moved to recommend approval of Z2001-109, subject to the following stipulations "a" through "h". Commissioner Harris seconded the motion, which passed with a unanimous vote of 10-0.

- a. Development of the site shall comply with the site plan entitled "Royal Oaks – Assisted Living", consisting of 28 sheets, dated (revised) September 25, 2001, and stamped received October 18, 2001, except as modified by the following stipulations.
- b. Development shall be in conformance with the narrative report entitled "Narrative Report for Royal Oaks Assisted Living and Garden Homes", consisting of eight pages, dated (revised) October 16, 2001, and stamped received October 18, 2001, except as modified by the following stipulations.
- c. This Special Use Permit shall expire 20 years from the date of approval by the Board of Supervisors.
- d. The applicant shall provide the ultimate outfall for the peak runoff event that is acceptable to the Flood Control District of Maricopa County.
- e. The applicant shall provide the latest revision of the FIRM map to the Flood Control District of Maricopa County.
- f. The applicant shall provide a registered professional civil engineer's certification statement to read, "I certify that all finished floor elevations are free from inundation during the 100 year peak runoff event" to the Flood Control District of Maricopa County.
- g. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation or the Maricopa County Flood Control District may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- h. Major changes to this Special Use Permit shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.

Motion was made by Supervisor Brewer, seconded by Supervisor Wilcox, and unanimously carried (5-0) to concur with the recommendation of the Planning Commission for approval subject to stipulations "a" through "h."

3. **Z2001-110** **District 4 (This case continued from the meeting of December 5, 2001.)**
 Applicant: People of Faith, Inc.
 Location: Northwest of the northwest corner of 99th Avenue and Grand Avenue (in the Sun City area)

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
January 3, 2002**

Request: For an assisted living center in the R-5 S.C. zoning district for Royal Oaks Lifecare Facility (2.92 acres)

COMMISSION ACTION: Commissioner Clayburg moved to recommend approval of Z2001-110, subject to the following stipulations "a" through "n". Commissioner Harris seconded the motion, which passed with a unanimous vote of 10-0.

- a. Development of the site shall comply with the site plan entitled "Royal Oaks – Assisted Living", consisting of 28 sheets, dated (revised) September 25, 2001, and stamped received October 18, 2001, except as modified by the following stipulations.
- b. Development shall be in conformance with the narrative report entitled "Narrative Report for Royal Oaks Assisted Living and Garden Homes", consisting of eight pages, dated (revised) October 16, 2001, and stamped received October 18, 2001, except as modified by the following stipulations.
- c. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation for landscaping or other improvements in the right-of-way.
- d. Prior to finalizing of a building permit for any building within the development, the Department of Planning and Development will inspect the site to verify:
 - i. Compliance with all approved plans.
 - ii. Acceptance by all appropriate Maricopa County departments.
 - iii. Compliance with all stipulations and/or conditions attached to this development.
- e. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.
- f. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department.
- g. The applicant shall provide the ultimate outfall for the peak runoff event that is acceptable to the Flood Control District of Maricopa County.
- h. The applicant shall provide the latest revision of the FIRM map to the Flood Control District of Maricopa County.
- i. The applicant shall provide a registered professional civil engineer's certification statement to read, "I certify that all finished floor elevations are free from inundation during the 100 year peak runoff event" to the Flood Control District of Maricopa County.
- j. When possible, all transformers, back-flow prevention devices, utility boxes and all other utility-related, ground-mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All H.V.A.C. units shall be ground-mounted
- k. Major changes to this rezone request shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
January 3, 2002**

Commission. Minor changes may be administratively approved by the Planning and Development Department.

- l. A continuous parapet shall screen all roof-mounted equipment.
- m. All trees shall be double-staked when installed.
- n. Noncompliance with the plan of development (the site plan and narrative report) conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.

Motion was made by Supervisor Brewer, seconded by Supervisor Wilcox, and unanimously carried (5-0) to concur with the recommendation of the Planning Commission for approval subject to stipulations "a" through "n."

- 4. Z2001-143 District 3**
Applicant: Presnell Associates United Auto Group/West
Location: South of the southwest corner of Scottsdale Road and Mayo Boulevard (in the northeast Phoenix/north Scottsdale area)
Request: Amendment to a Plan of Development for an automobile sales complex in the C-2 C.U.P.D. zoning district for Chauncey Ranch Auto Boutique (40 acres)

COMMISSION ACTION: Commissioner Smith moved to recommend approval of Z2001-143, subject to the following stipulations "a" through "d". Commissioner Jayne seconded the motion, which passed with a unanimous vote of 9-0.

- a. Development and use of the site shall comply with the site plan entitled "2001 Second Amendment – Plan of Development – Chauncey Ranch Auto Boutique", consisting of twenty-nine (29) full-size sheets, dated revised November 6, 2001, date-stamped by the architect September 18, 2001, and stamped received November 9, 2001, except as modified by the following stipulations.
- b. Development and use of the site shall comply with the narrative report entitled "2001 Second Amendment Narrative Report for Chauncey Ranch Auto Boutique", prepared by Presnell Associates, Inc., consisting of ten (10) pages plus exhibits and appendix, dated September 18, 2001 and stamped received November 9, 2001, except as modified by the following stipulations.
- c. Development of the site shall remain in compliance with all applicable stipulations of Z2001-068 and Z2000-210.
- d. Major changes to this precise plan (the site plan and narrative report) shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.

Heather Kinkade-Levario was present for the applicant to answer any questions, but there were none.

**FORMAL SESSION
January 3, 2002**

Motion was made by Supervisor Brewer, seconded by Supervisor Wilcox, and unanimously carried (5-0) to concur with the recommendation of the Planning Commission for approval subject to stipulations "a" through "d."

REGULAR AGENDA DETAIL:

5. CPA2001-001 District 4

Applicant: Burch and Cracchiolo, P.A. for Duke Energy Arlington LLC.
Location: Southwest corner of 387th Avenue and Elliot Road (in the Arlington area)
Request: Plan Amendment to the Tonopah/Arlington Area Plan to change the land use designation from Rural to Open Space (320 acres)

COMMISSION ACTION: Commissioner Clayburg moved to recommend approval of CPA2001-001, subject to the following stipulations "a" through "e". Commissioner Harris seconded the motion, which passed with a unanimous vote of 10-0.

- a. Development shall comply with the Area Plan Amendment entitled "Application to Amend the 2000 Tonopah Area Land Use Plan" consisting of 4 pages plus exhibits, dated August 16, 2001, and stamped received August 17, 2001, except as modified by the following stipulations.
- b. Any request to change the land use designation from Open Space as approved herein shall require an Area Plan Amendment with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission.
- c. The land use designations shall not become effective until after the zoning clearance associated with the Major Amendment to the Special Use Permit application for Arlington Valley Energy (Z2001-117) has been granted.
- d. A representative of the Arizona Department of Water Resources shall review and verify the results of the Centennial Wash water study and report their findings to Planning and Development staff, said study to reflect the increase in water usage created by the plant expansion (AVE II).
- e. Arlington Valley Energy shall arrange to have the property covered under CPA200101 surveyed for cultural resources by a qualified cultural recourse specialist. Said survey shall be submitted to the State Historic Preservation Office for review and comment. Prior to zoning clearance for any structure which is to be located on the newly acquired property, the applicant shall provide documentation from SHPO that their requirements have been met.

Lynn Favour, Acting Director of Planning and Zoning, said that items #5 (CPA2001-001) and #6 (Z2001-117) are related and will be presented together but voted on separately. She gave the background on both at this time. These items would change the land use designation from Rural to Open Space and also amend the Special Use Permit to allow a second 600 megawatt natural gas powered, combined cycle electrical generating plant to be built. The Tonopah Area Land Use Plan now designates this area as Industrial. The expansion acquires two new water properties currently designated as Rural Residential and these two sites would be changed to Open Space. She said there is no opposition to this plan. Staff and the Planning Commission recommend approval with stipulations on both items #5 and #6.

**FORMAL SESSION
January 3, 2002**

Neil Peters, citizen, said that Duke Energy has already demonstrated their willingness to be a good neighbor by working on local elementary and high school issues and cooperating on landscaping and beautification suggestions he has given them on revegetation of the desert. He believes this facility could be used as a standard for the next power plant building request for that area. And, he said, the bigger picture is that this area is still basically open space, "but it is open space that we live in - that we use - that's got a "life" to it. It's full of activities that can't be done in the city." He regards it as a transition zone from the desert to the wilderness of the BLM (Bureau of Land Management) Saddle Mountain Recreation Area. He promoted the area as one that people need to see and where they need to take their children for Sunday drives, "Not only to let them see a totally different lifestyle but also to learn that electricity doesn't just come out of a little box in the wall but from an electrical generating plant." He urged residents to do this by taking their family on a tour through Duke Energy's plant.

Chairman Stapley and Supervisor Brock thanked Mr. Peters for coming such a long way to give his input into the matter, saying that unless the Board gets public input it is difficult to learn the result of actions that have been taken to make Maricopa County a better place to live.

Supervisor Brock added that electricity has become a very important issue in the west and particularly in California and other coastal states. He said, "The State of California has given a lot of lip service and a lot of talk and political posturing on the subject, but nothing has been done by that State to alleviate future shortages." He stated, "Arizona does not want to become an electrical 'farm' for the State of California."

Supervisor Wilcox added her commendations to Duke for keeping their commitments to Planning and also to the community, and thanked them for their cooperation.

Motion was made by Supervisor Brewer, seconded by Supervisor Wilcox, and unanimously carried (5-0) to concur with the recommendation from the Planning Commission to approve this amendment subject to stipulations "a" through "e."

- 6. Z2001-117 District 4**
Applicant: Burch and Cracchiolo, P.A. for Duke Energy Arlington LLC.
Location: Southwest corner of 387th Avenue and Elliot Road (in the Arlington area)
Request: Amendment to Special Use Permit to allow expansion of electrical generating facility (320 acres)

COMMISSION ACTION: Commissioner Clayburg moved to recommend approval of Z2001-117, subject to the following stipulations "a" through "m". Commissioner Harris seconded the motion, which passed with a unanimous vote of 10-0.

- a. Development and use of the site shall comply with the site plan entitled "Duke Energy Maricopa, L.L.C. Arlington Valley Energy II, Special Use Permit", consisting of 4 sheets, dated (revised) October 8, 2001, and stamped received October 11, 2001, except as modified by the following stipulations.
- b. Development and use of the site shall comply with the narrative report entitled "Addendum to Application for Special Use Permit, Duke Energy Arlington Valley, L.L.C.", consisting of 10 pages plus updated exhibits numbered 1 through 24, dated November 26, 2001, and stamped received November 26, 2001, except as modified by the following stipulations.

**FORMAL SESSION
January 3, 2002**

- c. Duke Energy shall coordinate with Maricopa County Department of Transportation and Arizona State Land Department (SLD) regarding the acquisition of additional right-of-way along Elliot Road. Said ROW to be located between Wintersburg Road and the northeast corner of the subject property, along the south side of the section line that forms the north boundary of Section 16, Township 1 South, Range 6 West. MCDOT shall make that application to SLD with Duke having committed to provide between \$1,500 to \$2,500 per acre to fund the purchase. It is understood that MCDOT shall not provide any funding for the acquisition of this property should the land value exceed the stated amount. The status of this acquisition shall be addressed in the next status report as required under stipulation "j" of this report but shall not impede the permitting or development of the plant facility.
- d. Arlington Valley Energy shall mitigate area well problems within the area of influence by taking prompt corrective action. The area of influence shall be defined as that area within which the water table draw-down may exceed ten feet over any five-year period from and after the date of approval of this Special Use Permit (SUP) by the Maricopa County Board of Supervisors, solely as a direct result of pumping of 7,816 acre-feet/year at the Arlington Valley Energy Site, based upon a study reviewed by the Department of Water Resources (See map in application narrative entitled "Area of Well Influence)." If the results of the comprehensive water study show a larger Area of Influence for Arlington Valley Energy (7,816 acre feet per year) than Arlington Valley Energy specified, then Arlington Valley Energy shall increase the Area of Influence to reflect the integrated water study results. Arlington Valley Energy will bear the cost of corrective action to restore any domestic wells to production which meet each of the following criteria:
 - i. the well is used solely as a domestic well from and after the date of approval of this Special Use Permit by the Maricopa County Board of Supervisors;
 - ii. the well was an active well as of the date of the approval of this Special Use Permit by the Maricopa County Board of Supervisors;
 - iii. the well is within the applicant's area of influence;
 - iv. the well cannot sustain the production necessary to meet the domestic uses established as of the date of approval of the Special Use Permit by the Maricopa County Board of Supervisors; and
 - v. the loss of production is not caused by the domestic well owner or by the owner's equipment.

In the event all of the above-listed criteria are met, the owner(s) of such well shall notify Arlington Valley Energy at the phone number or address which shall be kept actively on file with the Maricopa County Planning and Development Department. Arlington Valley Energy shall initiate corrective action within 72 hours of receipt of such notice, even if the corrective action is temporary (the "Response Period"). In the event Arlington Valley Energy has direct knowledge that all of the criteria have been met, the well owner is not required to supply any notice and the Response Period set forth above shall run from the time Arlington Valley Energy acquired such knowledge.

- e. Arlington Valley Energy shall include the plant expansion described as "AVE II" in the annual written report as required under stipulation "j" of Case Z2000-013. Said status report is to outline the status of the development of the facility until such time as the Special Use Permit expires. The next status report shall be submitted on or by August 23, 2002. The status report shall be reviewed by staff to determine compliance with

**FORMAL SESSION
January 3, 2002**

stipulations of cases Z2000-013 and Z2001-117, and whether the report needs to be reviewed by the Planning and Zoning Commission. The status report shall also contain groundwater monitoring reports with annual withdrawals. In addition, the status report shall address the impact on wells in the defined Area of Influence (draw-down). Implementation of the Land Management Plan shall also be presented in this report and shall include a detailed report in the progress of the plan.

- f. The aggregate annual groundwater use for both "AVE I" and "AVE II" shall not be in excess of 7,816 acre-feet. If the usage exceeds this amount, a major amendment to the Special Use Permit, subject to public hearing and Board of Supervisor approval, shall be required. In the event that groundwater over the 7,816 acre-feet allowance is needed, Arlington Valley Energy shall conduct an additional groundwater model to determine the expanded area of influence.
- g. All outdoor lighting shall be designed as recommended by the International Dark-Sky Association and shall be in compliance with Section 2318 of the Maricopa County Zoning Ordinance.
- h. All evaporation ponds shall be lined and inspected by representatives of the Maricopa County Planning and Development Department, Building and Safety Division prior to use.
- i. At the discretion of the Flood Control District, a revised drainage report shall be provided, prior to zoning clearance that addresses the following items:
 - i. The bank protection toe down depths for the berm protecting the site from Wintersburg Wash detailed in plans from Arcadis, Geraghty & Miller, Inc., dated December 11, 2000, appear to be insufficient for the scouring potential of the wash. Provide engineering analysis and berm design that meets the standards set for in Arizona State Standard 5-96.
 - ii. The Winter's Wash water surface elevations on Figure 3-1 differ from those found in the HEC-RAS water surface profile model submitted with the Special Use Permit. Provide an explanation for these differences and what effects they have on the Winter's Wash berm design.
- j. Expiration of this Major Amendment shall coincide with the expiration date of Special Use Permit approved under Z2000-013 by the Board of Supervisors. Said expiration date to occur on August 23, 2040.
- k. Major changes to this Special Use Permit shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department. Reduction in use and intensity, (i.e. decreased building footprint, increased setback, decreased building height, etc.), regardless of percent change, shall be considered a minor change. At the discretion of the Planning and Development Department, staff can allow administrative amendments that do not increase the height of prominent structures, decreased setback to property lines, or increase the overall lot coverage.

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
January 3, 2002**

- I. Non-compliance with the site plan and narrative report or the conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.
- m. All other applicable stipulations of cases Z2000-013 and CPA2000-04 shall remain intact.

Motion was made by Supervisor Brewer, seconded by Supervisor Wilcox, and unanimously carried (5-0) to concur with the recommendation from the Planning Commission for approval subject to stipulations "a" through "m."

7. CPA2001-002 District 5

Applicant: Gammage & Burnham, P.L.C. and GeoSyntec Consultants for Waste Management of Arizona, Inc
Location: Northwest corner of the 99th Avenue and Butterfield Station Access Road (in the Mobile area)
Request: Plan Amendment to the Mobile Area Plan to change the land use designation from Rural to Industrial for Butterfield Station Landfill (962 acres)

COMMISSION ACTION: Commissioner Harris moved to recommend approval of CPA2001-002, subject to the following stipulation "a". Commissioner Munoz seconded the motion, which passed with a majority vote of 6-3, with Commissioners Beckley, Gulbrandsen and Smith dissenting.

- a. The Plan Amendment shall change the land use designation of the subject property from Rural to Industrial, subject to the stipulations of approval for the associated Special Use Permit, Z2001-127, as may be applicable.

Lynn Favour, Acting Director of Planning and Zoning, said that items #7 (CPA2001-002) and #8 (Z2001-127) are interrelated and will be heard together but voted on separately. She gave the background on both at this time. Planning is in receipt of nine notices of opposition and four in support. The existing landfill is on 640 acres and the owners want to expand to 962 acres. The designation will have to change from the special use permit to an industrial designation to correspond with the County's Comprehensive Plan. The company wants to expand the depth and certain other measurements in the current landfill and add an expansion area to the north of the current landfill area. These changes will not affect the underlying zoning which will remain Rural-190.

Steven Anderson, for the applicant, said they wish to expand what they feel to be a well-sited and well-run landfill that was originally approved by the Board of Supervisors in 1988. The County and the Environmental Protection Agency have both shown approval of their methods of operation in various ways and the landfill has received several industry awards citing it for excellence in operation. The landfill is in its 10th year of operation under the special use permit they have, which is good for 50 years. They have learned about any impact from drainage, weather, etc. Basically they now know how the system works and fits into the context of the surrounding area as well as future needs for the area and their business.

They now wish to extend the life of the landfill to 100 years to enable them to construct a long-term plan for a secure solid-waste future for Maricopa County. Mr. Anderson informed the Board that available landfill capacity is shrinking both locally and nationally. The EPA reports that since 1988 the number of landfills in the U.S. has dropped from 8,000 to 2,500 which, Mr. Anderson suggested, is a staggering thought when the population increase during those years is also considered. The County's Environmental Services Department has said, "Any expansion of the Butterfield Landfill is a plus. It is the only landfill

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
January 3, 2002**

that still accepts both solid and non-hazardous liquid waste. The County is losing landfill capacity. Butterfield is well situated to provide the additional capacity that we need for future generations." The expansion would create no potential hazard to the groundwater table in the Mobile area.

Mr. Anderson said they want to increase the size and mass of what exists today and also the footprint. The scale would be increased in three ways; 1. Increasing the depth from 70 to 80 feet. 2. Increase the slope from 10% to 33%. 3. Increase the height, which is the most important of the three. It is currently approved to a height of 150 feet and they want to increase that height to 250 feet.

The footprint of the landfill would be slightly increased by narrowing the existing drainage facilities which they have learned should be slightly deeper and narrower. The major way to increase the footprint would be to add a half section of land immediately north of and adjacent to the existing landfill.

The applicant is amenable to all the stipulations that have been recommended.

Janice Henderson, citizen, said she lives on a 20 acre parcel that is getting hemmed in with no exit because the various government land easements are being closed to use and other roads are being blocked off in one way or another. She also commented on raising the landfill to 250 feet saying their home would not have any sunshine until mid-afternoon with it that high. She indicated that they knew about the landfill when they bought their land but do not want the expansion dust, smells and heavy machinery to contend with and worries about the environmental impact in 10 years. She asked that the request be denied.

David Shoemocher, treasurer of the Mobile Community Council, spoke in favor of expansion saying that prior to Waste Management's establishing the site, people from all over came to that area to dump anything and everything on the land. Waste Management picked all of that mess up, hauled it away and put it into the dump. He said that increasing the height of the dump is the least of the evil and he believes that after their promised landscaping is installed it will seem to be another hill. He said the company has been a good neighbor and a help to the community. He supports the expansion.

~ Supervisor Brock left the meeting ~

Edmund Schrader spoke in opposition and said he represents his mother, Lone Schrader, and the Schraderville Community Council. He said a letter and petition with 37 signatures in opposition to both actions, and a total of 54 signatures against the zoning and 59 signatures opposing the expansion, were delivered to the Board yesterday. The Schraders have a family trailer park within three miles of the landfill and do not want the expansion of this facility which will bring it closer to their homes. He said that Waste Management has managed the landfill well but they keep expanding and he wonders if they will stop before taking over the whole valley. He does not want industry in the middle of the only people living out there. He said Waste Management owns another landfill 12 miles east of this location and requests that they use that before expanding this one. He said that their water diversion was so placed that his family could not drive out at times. He said that his family lived out there long before any of the landfills had invaded the land.

John Greenbank, citizen, said that Waste Management had acted as a good neighbor and lived up to what they said they would do. He said that there is a sparse population in the area and he feels it would be a good place to expand their operations.

~ Supervisor Brock returned to the meeting ~

**FORMAL SESSION
January 3, 2002**

Leo Heap, citizen, said he has observed this community for a number of years and knows the people who live there. He believes Waste Management has shown that they are a good neighbor and that the community must make way for progress. He said that many people who live there want to see their property values go up and welcome Waste Management and any other industry that would help this happen.

Steven Anderson returned to the podium to answer the concerns raised by the speakers such as noise, dust, machinery and blowing trash. He indicated that any or all of these issues could have been reported to the County as a violation but he said that there had been very few calls and when the County responded they found nothing on which to lodge a complaint with Waste Management. He assured the Hendersons that access to their property would be maintained through the southern and western perimeters around the landfill. Regarding height issues he said there would be no impact on locations in excess of one-mile from the project site. There are only two major residential compounds within that mile limit. They are the Schrader and Henderson homesites. He said that photo simulations indicate that even on those two sites the impact from the increased height would be negligible. He also noted that the 250-foot height will not happen overnight but will be built up slowly over the years to that maximum height.

Mr. Anderson said that staff has included a stipulation the applicant has accepted that he believes is unprecedented, in that the landfill will be required to provide a revegetation plan that will set new standards. This plan must be accepted before the expansion can be started. He said that this is the first expansion the plant has made and they do not plan another.

~ Supervisor Brewer left the meeting ~

Supervisor Kunasek asked who had the approval authority over the revegetation plan before they can proceed with the project?

Ms. Favour said that Planning and Development will have to approve it prior to zoning clearance.

Mr. Anderson said that Waste Management must have everything approved by the Arizona Department of Environmental Safety as well as by the County.

Supervisor Kunasek said he was familiar with a County landfill that had very steep slopes and asked if the slopes on Butterfield could be relieved or stepped rather than have it look so rigid and unnaturally straight up and down.

Vince Murphy, Waste Management, said some relief would be provided by drainage swales on the slopes and the top of the landfill could be mounded with soil as a final cover to help the appearance.

Discussion ensued on revegetation problems and solutions and future protections that could be put in place in the future to make them look better.

Mr. Shrader said he could have gotten more signatures on his petition had it not been the holiday season. Supervisor Wilcox said she had been working with Waste Management and other landfills since she came onto the Board and they have been careful to be good neighbors and she has been very pleased with the new measures they have taken to guard the land, revegetation, etc. She said that she was aware of the Shrader's concerns but many of them cannot be addressed by Waste Management because there is another landfill located between them and they do not have the high tech control methods that

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
January 3, 2002**

Waste Management uses. She believes the revegetation and recoloring planned for closure on this site will make it satisfactory to most observers.

~ Supervisor Brewer returned to the meeting ~

Supervisor Kunasek discussed converting certain portions of the land to open space and was told by Ms. Favour that this would take a separate zoning case.

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to concur with the Planning Commission's recommendation for approval subject to stipulations "a."

~ Supervisor Brock left the meeting ~

- 8. Z2001-127 District 5**
- Applicant:** Gammage & Burnham, P.L.C. and GeoSyntec Consultants for Waste Management of Arizona, Inc
- Location:** Northwest corner of the 99th Avenue and Butterfield Station Access Road (in the Mobile area)
- Request:** Amendment to a Special Use Permit for a landfill in the Rural-190 zoning district for Butterfield Station Landfill (962 acres)

COMMISSION ACTION: Commissioner Harris moved to recommend approval of Z2001-127, subject to the following stipulations "a" through "t". Commissioner Munoz seconded the motion, which passed with a majority vote of 6-3, with Commissioners Beckley, Gulbrandsen and Smith dissenting.

- a. Development of the site shall be in accordance with the site plan entitled "Plan of Development - Butterfield Station Facility – Mobile, Arizona" consisting of two full-size sheets prepared by GeoSyntec Consultants, dated November 14, 2001, and stamped received November 15, 2001, except as modified by the following stipulations.
- b. Development of the site shall be in accordance with the narrative report entitled "Waste Management of Arizona, Inc. – Narrative Report – Regard Special Use Permit for the Proposed Expansion of The Butterfield Station Landfill" consisting of 66 pages prepared by Gammage & Burnham, P.L.C., et al, dated revised November 15, 2001, and stamped received November 15, 2001, except as modified by the following stipulations.
- c. Additional dedication to provide a total half-width of 55 feet along the entire southern and western boundaries of Sec. 17, T4S, R1E and along the western and northern boundaries of Sec. 8, T4S, R1E, adjacent to the site, shall occur prior to zoning clearance.
- d. Abandonment of the right-of-way dedication along the northern boundary of Sec. 17, T4S, R1E through the Department of Transportation shall occur prior to zoning clearance.
- e. The Special Use Permit shall expire in 50 years or upon closure of the landfill and completion of all monitoring requirements associated with the closure.
- f. The applicant shall submit a status report to the Planning and Development Department outlining the status of the development at the end of five (5) years following approval of

this request by the Board of Supervisors. The report shall address the status of the project, compliance with stipulations of approval, and shall include a traffic report update to be reviewed by the Department of transportation. The traffic report update shall address whether traffic projections remain relatively static as indicated in their traffic analysis, and shall assess truck impact on the access road.

- g. The applicant shall submit a second status report to the Planning and Development Department outlining the status of the development at the end of 20 years following approval of this request by the Board of Supervisors. The report shall outline the status of the development, indicate compliance with all stipulations of approval, and shall work to ensure record retention with regard to State mandated record destruction after 25 years. The Department may accept the report, request additional reports, carry the matter forward to the Planning and Zoning Commission or take other action as deemed appropriate at that time.
- h. Major changes to this Special Use Permit with regard to use and intensity must be processed as a revised application with approval by the Board of Supervisors upon recommendation of the Commission. Minor changes to the Special Use Permit may be administratively approved by the Planning and Development Department.
- i. There shall be a one-foot non-vehicular access easement on the entire perimeter of the buffer except at the entrance identified on the site plan referenced in stipulation 'a'. However, an administrative amendment will be allowed to approve secondary access onto perimeter roadways at the discretion of the Department of Transportation.
- j. The applicant shall remain in compliance with all rules and regulations of the Arizona Department of Environmental Quality, and shall submit copies of all approved changes to the Arizona Department of Environmental Quality Solid Waste Facility Plan for Butterfield Station (No. 07032700) to the Planning and Development Department.
- k. Prior to zoning clearance, final grading, drainage and paving plans in conjunction with a final drainage report shall be submitted to the Flood Control District for approval.
- l. All drinking water must meet the Safe Drinking Water Act Standards.
- m. Prior to zoning clearance, the applicant shall enter into an agreement with Maricopa County to hold the County harmless should any environmental damage occur caused by the operator or operations at the landfill facility.
- n. All heavy equipment used in the landfill operation shall be stored inside the bermed area.
- o. The operator shall obtain either a post-closure bond or a letter of credit if a bond is not available in accordance with State and/or Federal requirements.
- p. A security fence shall be placed on the outside of the berm surrounding the entire site.
- q. The maximum overall height of the landfill shall be 250' above grade.
- r. The maximum depth of the landfill shall be 80' below grade.

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
January 3, 2002**

- s. The maximum finished, external slope of the landfill shall be 3:1. The Planning & Development Department may, in review of the re-vegetation plan required under stipulation 't', determine that less of a slope is required to support adequate re-vegetation efforts.
- t. As each disposal cell is closed it shall be covered with hard-scape or live landscaping such as native desert grasses and wildflowers to the greatest extent possible, in an effort to mitigate soil loss and dust due to water and air erosion and to mitigate the visual impact of the facility's mass and height. A re-vegetation plan shall be submitted to and approved by the Planning & Development Department prior to zoning clearance.

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to concur with the recommendation from Planning Commission for approval subject to stipulations "a" through "t" with recommendation that Supervisors Kunasek and Wilcox give final approval on the revegetation plan as decided during the discussion.

~ Supervisor Brock returned to the meeting ~

9. **Z2000-182** **District 3 (The applicant requests this case be CONTINUED to the February 20, 2002, meeting.)**
 Applicant: Randy Hancock
 Location: Southeast corner of 7th Street and Cloud Road (in the Desert Hills area)
 Request: Rezone from Rural-43 to C-O with a Concept Plan of Development for Randy Hancock (2.46 acres)

COMMISSION ACTION: Commissioner Jayne moved to recommend denial of Z2000182. Commissioner Smith seconded the motion, which passed with a unanimous vote of 10-0.

Motion was made by Supervisor Brewer, seconded by Supervisor Wilcox, and unanimously carried (5-0) to continue this item to the February 20, 2001, meeting.

10. **Z2001-024** **District 1**
 Applicant: B&R Engineering for Sun Lakes Properties, Inc.
 Location: Northeast corner of Price Road and Teakwood Drive (in the Sun Lakes area)
 Request: Amendment to a Special Use Permit in the R1-6 R.U.P.D. zoning district for Sun Lakes Carpet Center (1.17 acres)

COMMISSION ACTION: Commissioner Beckley moved to recommend approval of Z2001-024, subject to the following stipulations "a" through "j". Commissioner Smith seconded the motion, which passed with a unanimous vote of 10-0.

- a. Development and use of the site shall comply with the site plan entitled "Sun Lakes Phase III-A Special Use Permit", consisting of 3 sheets, dated (revised), July 2001, and stamped received, November 20, 2001, except as modified by the following stipulations.
- b. Development and use of the site shall comply with the narrative report entitled "Sun Lakes Carpet Center and Sunburst Roofing Company", consisting of 24 pages, dated (revised) July 2001, and stamped received, November 20, 2001, except as modified by the following stipulations.

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
January 3, 2002**

- c. The applicant shall submit a written report outlining the status of the development at the end of two years from the date of approval by the Board of Supervisors. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations.
- d. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation or the Maricopa County Flood Control District may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- e. All outdoor lighting for this site shall comply with Section 2318 of the Maricopa County Zoning Ordinance.
- f. All delivery truck traffic associated with the site shall use Price Road exclusively prior to 7:00 A.M.
- g. Operations associated with this use shall be limited to the subject parcel. No off-site storage or vehicular parking shall be allowed in conjunction with this request.
- h. This Special Use Permit shall expire six (6) years from the date of approval by the Board of Supervisors. All of the site improvements, including the buildings, shall be removed within 60 days of such termination or expiration.
- i. Major changes to this Special Use Permit shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by Planning and Development Department staff.
- j. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Commission to take action in accordance with the Maricopa County Zoning Ordinance.

Lynn Favour, Acting Director of Planning and Development, outlined the Commission action on this item. There were no speakers.

Motion was made by Supervisor Brock, seconded by Supervisor Brewer, and unanimously carried (5-0) to concur with the Planning Commission recommendation for approval subject to stipulations "a" through "j."

- 11. Z2001-134 District 3**
Applicant: Stanley Consultants, Inc. for Anthem Arizona, L.L.C.
Location: East of I-17 generally between Circle Mountain Road and Desert Hills Road (in the New River/Desert Hills area)
Request: Amend the Anthem Plan of Development in regard to retaining walls and signage (5,889 acres)

COMMISSION ACTION: Commissioner Jayne moved to recommend approval of Z2001-134, subject to the following stipulations "a" through "b". Commissioner Smith seconded the motion, which passed with a unanimous vote of 10-0.

**FORMAL SESSION
January 3, 2002**

a. Retaining Walls:

- i. The Anthem Plan of Development shall be revised to reflect a requirement for a minimum 2' wide separation between retaining walls when supplemented by live landscaping.
- ii. All other standards of the Anthem Design Guidelines approved for the Anthem Plan of Development (Z2000-098) shall remain intact.

b. Signs:

- i. Development shall be in accordance with the site plan entitled "Master Signage Plan Key Map" consisting of five pages prepared by Stanley Consultants, Inc., not dated, and date stamped received October 22, 2001, except as modified by the following stipulations.
- ii. Development shall be in accordance with the Master Signage Plan (narrative and sign elevations), consisting of 43 pages, prepared by Stanley Consultants, Inc., dated August 2001 and date stamped received October 22, 2001, except as modified by the following stipulations.
- iii. All conditions of approval and stipulations of D.M.P. 94-06 (as amended under D.M.P. 94-06A) and of the Anthem Plan of Development Z 95-53I (as amended under Z2000-098) shall remain intact.
- iv. All future signs shall conform to the elevations shown in the Master Signage Plan. Any modifications to any signs shall be submitted as an amendment to this Plan of Development and shall be processed as a revised application with approval by the Board of Supervisors upon the recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Zoning Division of the Department of Planning and Development.
- v. Regulatory and street name signs shall comply with MCDOT standards.
- vi. Maintenance and liability of signs, including street banners or any other signs located in County right-of-way, shall be the responsibility of the Anthem Homeowners' Association.
- vii. All signs shall meet sight distance standards.
- viii. Temporary signs shall be removed when 95% of the total residential lots to be developed in Anthem are sold.
- ix. The Anthem Plan of Development shall be revised to reflex the Anthem Master Signage Plan and Key Map.

Lynn Favour, Acting Director of Planning and Development, presented the Commission action in this case. Stephen Bobbett, representing Anthem, Arizona, was present to answer questions but none were forthcoming.

Motion was made by Supervisor Kunasek, seconded by Supervisor Brock, and unanimously carried (5-0) to concur with the Planning Commission recommendation for approval subject to stipulations "a" and "b."

MEETING ADJOURNED

There being no further business to come before the Board, the meeting was adjourned.

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

FORMAL SESSION
January 3, 2002

Don Stapley, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board